

### REMARKS/ARGUMENTS

Claims 24, 29-34, 39-43 and 47-48 are active. New Claim 44 tracks the limitations in Claim 24, except that it omits a collection step and is more broadly directed to detecting polymorphism at position 421. Claims 44-46 are “not entered”. Claims 47-48 find support in paragraphs [0051-0052] are describe particular Taqman and Invader methods using expanded alternative language. The Applicants do not believe that any new matter has been introduced.

### Restriction/Lack of Unity

The Applicants previously elected with traverse, Group I, Claims 1-4, 8 and 20-21. An election of the SNP (single nucleotide polymorphism) at position 421 of SEQ ID NO: 1 was also made. Claims 5-7, 9-19 and 22-23 have been withdrawn from consideration and the Restriction/Lack of Unity Requirement made FINAL.

### Priority

A certified English translation of Japanese Application 2002-175806 is attached herewith.

### Objection—Claims

Claims 24-27 were objected to as referring to a nonelected invention. This objection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, first paragraph

Claims 24-35 were rejected under 35 U.S.C. 112, first paragraph, as lacking adequate description. The Applicants thank the Examiner for referring to enabled subject matter. This rejection is moot in view of the amendments above.

Rejection—35 U.S.C. §112, second paragraph

Claims 24-35 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is moot in view of the amendments above or remarks below.

Claims 32-33 refer to the Taqman and invader methods which were well-known to those of skill in the art at the time of invention, see e.g., U.S. Patent No. 6,033,680 issued March 7, 2000 or U.S. Patent No. 5,994,069 issued November 30, 1999. Thus, one with skill in the art would understand the generic meaning of these terms. Moreover, new Claims 47 and 48 refer to specific steps of the Taqman and invader methods.

Compound B is disclosed on page 13, lines 1-2 of the specification by reference to WO95/30682.

Thus, the Applicants respectfully request that these grounds of rejection be withdrawn.

Rejection—35 U.S.C. §102(b)

Claims 25, 28-31 and 35 were rejected under 35 U.S.C. 102(a) as being anticipated by Imai et al., Mol. Canc. Ther. 1:611. This rejection is moot in view of the perfection of the priority claim.

Rejection—35 U.S.C. §103

Claims 25-27 were rejected under 35 U.S.C. 103(a) as being anticipated by Imai et al., Mol. Canc. Ther. 1:611, in view of Komatani et al., Canc. Res. This rejection is moot in view of the perfection of the priority claim.

Rejection—35 U.S.C. §103

Claim 32 was rejected under 35 U.S.C. 103(a) as being anticipated by Imai et al., Mol. Canc. Ther. 1:611, in view of Kwok et al., U.S. Patent No. 5,945,283. This rejection is moot in view of the perfection of the priority claim.

Rejection—35 U.S.C. §103

Claim 33 was rejected under 35 U.S.C. 103(a) as being anticipated by Imai et al., Mol. Canc. Ther. 1:611, in view of Brow et al., U.S. Patent No. 5,846,717. This rejection is moot in view of the perfection of the priority claim.

Conclusion

In view of the amendments and remarks above, the Applicants respectfully submit that this application is in a condition for allowance. Early notification of such is earnestly requested.


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